

RECEIVED  
CENTRAL FAX CENTER  
OCT 20 2008

**AMENDMENTS TO THE CLAIMS:**

1. (Previously presented) An instrument for inserting an implant, comprising:  
a proximal portion including a frame; and  
a distal portion including first and second guide members extending distally from said frame, said first and second guide members each including:  
opposite first and second sides extending between a proximal end and a distal end;  
a guide surface extending from said proximal to said distal end between said first and second sides; and  
a guide flange extending along only one of said first and second sides, said guide flange projecting from said guide surface of the corresponding one of the first and second guide members toward the guide surface of the other of said first and second guide members;  
wherein said guide surfaces of said first and second guide members oriented toward one another when said first and second guide members are mounted on said frame and said guide flanges are opposite each other along a length of said first and second guide members.
2. (Cancelled)
3. (Original) The instrument of claim 1, wherein said first and second guide members each include an abutment member adjacent said distal end thereof, said abutment member projecting from said guide member in a direction opposite said guide surface.
4. (Original) The instrument of claim 3, further comprising a support member extending distally from said abutment member of each of said first and second guide members.
5. (Original) The instrument of claim 4, wherein said guide surface of each of said first and second guide members includes a number of guide rails to guide an implant therealong.
6. (Original) The instrument of claim 5, wherein said guide rails terminate at a location along said guide surface that is adjacent said abutment member.

---

Response to Final Office Action  
Application Serial No. 10/680,358  
Atty Docket No. MSDI-245/PC819.00  
Page 2 of 17

7. (Original) The instrument of claim 6, wherein said guide surface extends distally from said guide rails along said support member.

8. (Original) The instrument of claim 7, wherein said guide surface is planar along said support member.

9. (Original) The instrument of claim 1, wherein said guide surfaces are planar.

10. (Original) The instrument of claim 1, wherein said proximal ends of said guide members each include a dovetail configuration for engagement with a corresponding receptacle in said frame.

11. (Previously presented) An instrument for inserting an implant, comprising:  
a proximal portion including a frame; and  
a distal portion including first and second guide members extending distally from said frame, said first and second guide members each including:  
opposite first and second sides extending between a proximal end and a distal end;  
a guide surface extending from said proximal to said distal end between said first and second sides; and  
a guide flange extending along only one of said first and second sides, said guide flange projecting from said guide surface of the corresponding one of the first and second guide members toward the guide surface of the other of said first and second guide members;  
wherein said guide surfaces of said first and second guide members each include a width between said first and second sides, said width being greater than a width of an implant to be positioned along said guide surfaces.

12. (Original) The instrument of claim 1, wherein said frame includes a stationary arm and a movable arm, one said first and second guide members being coupled to said stationary

arm and the other of said first and second guide members being coupled to said movable arm.

13. (Original) The instrument of claim 12, wherein said stationary arm and said movable arm are transversely oriented to said first and second guide members.

14. (Original) The instrument of claim 13, wherein said frame includes a handle extending from said stationary arm.

15. (Original) The instrument of claim 14, wherein said stationary arm and said movable arm each include a lateral extension portion, said lateral extension portions each including a hand-hole extending therethrough.

16. (Original) The instrument of claim 12, wherein said stationary arm and said movable arm define a C-shaped central opening therebetween.

17. (Original) The instrument of claim 1, wherein said guide surfaces are parallel with one another.

18. (Original) The instrument of claim 17, wherein said frame portion is structured to move said guide members away from and toward one another with said guide surfaces remaining parallel to one another.

19. (Previously presented) An instrument for inserting an implant, comprising:  
a proximal portion including a frame, said frame including a stationary arm and a movable arm coupled to said stationary arm;  
a distal portion including a first guide member extending distally from said movable arm and a second guide member extending distally from said stationary arm, said first and second guide members each including a guide surface extending between first and second sides oriented toward the guide surface of the other of said first and second guide members, said first and

second guide members being movable toward and away from one another by moving said movable arm relative to said stationary arm, wherein said first and second guide members each include:

opposite first and second sides extending between a proximal end and a distal end, wherein said proximal ends are coupled to respective ones of said stationary arm and said movable arm;

said guide surface extending from said proximal to said distal end between said first and second sides; and

a guide flange extending along only one of said first and second sides, said guide flange projecting from said guide surface of the corresponding one of the first and second guide members toward the guide surface of the other of said first and second guide members, wherein when said guide surfaces are facing one another said guide flanges are opposite each other along a length of said guide members;

wherein said stationary arm and said movable arm are transversely oriented to said first and second guide members.

Claims 20-21 (Cancelled)

22. (Original) The instrument of claim 19, wherein said first and second guide members each include an abutment member adjacent a distal end thereof, said abutment member extending from said guide member in a direction opposite said guide surface.

23. (Original) The instrument of claim 22, further comprising a support member extending distally from said abutment member of each of said first and second guide members.

24. (Original) The instrument of claim 23, wherein said guide surface of each of said first and second guide members includes a number of guide rails to guide an implant therealong.

25. (Original) The instrument of claim 24, wherein for each guide member said guide

rail thereof terminates along said guide surface at a location adjacent said abutment member.

26. (Original) The instrument of claim 19, wherein said guide surfaces are planar.

27. (Previously presented) An instrument for inserting an implant, comprising:  
a proximal portion including a frame, said frame including a stationary arm and a movable arm coupled to said stationary arm; and  
a distal portion including a first guide member extending distally from said movable arm and a second guide member extending distally from said stationary arm, said first and second guide members each including a guide surface oriented toward the guide surface of the other of said first and second guide members, said first and second guide members being movable toward and away from one another by moving said movable arm relative to said stationary arm while maintaining said guide surfaces in parallel relation;

wherein said guide members each include a dovetail configuration adjacent a proximal end thereof for engagement with a corresponding receptacle in a respective one of said movable arm and said stationary arm.

28. (Cancelled)

29. (Previously Presented) The instrument of claim 19, wherein said frame includes a handle extending from said stationary arm.

30. (Original) The instrument of claim 29, wherein said handle is transversely oriented to said first and second guide members.

31. (Original) The instrument of claim 29, wherein said stationary arm and said movable arm each include a lateral extension portion, said lateral extension portions each including a hand-hole extending therethrough.

32. (Original) The instrument of claim 19, wherein said stationary arm and said movable arm define a C-shape with a central opening.

33. (Original) The instrument of claim 19, wherein said stationary arm includes a first vertical extension portion coupled to said first guide member, a lateral extension portion extending from and transversely oriented to said first vertical extension portion, and a second vertical extension opposite said first vertical extension portion.

34. (Original) The instrument of claim 33, wherein said movable arm is coupled with said second vertical extension portion.

35. (Original) The instrument of claim 34, wherein said movable arm includes a lateral extension portion extending transversely to said second vertical extension portion of said stationary arm.

36. (Original) The instrument of claim 35, wherein said movable arm includes a vertical extension portion opposite said second vertical extension portion of said stationary arm, said vertical extension portion of said movable arm being aligned with said first vertical extension portion of said stationary arm.

37. (Original) The instrument of claim 19, wherein said guide surfaces of said first and second guide members are parallel with one another, and said movable arm and said stationary arm are adapted to move said first and second guide members toward and away from one another with said guide surfaces remaining parallel.

38. (Previously presented) An instrument for inserting an implant, comprising:  
a distal portion including a first guide member and a second guide member extending along said first guide member, said first and second guide members each including a guide surface oriented toward the guide surface of the other of said first and second guide members,

said guide surfaces being generally parallel with one another; and

a proximal portion including a frame coupled to said first and second guide members, said frame being structured to move said first and second guide members toward and away from one another with said guide surfaces remaining generally parallel;

wherein said frame is transversely oriented to said guide members adjacent proximal ends of said guide members, said frame being configured relative to said proximal ends of said guide members so that said guide members are unobstructed between said guide surfaces at said proximal end to define a proximal opening therebetween for receipt of an implant through said opening for positioning between said guide surfaces of said guide members.

39. (Original) The instrument of claim 38, wherein said frame includes a stationary arm coupled to one of said first and second guide members and a movable arm coupled to the other of said first and second guide members, said movable arm further being further movably coupled with said stationary arm.

40. (Previously presented) The instrument of claim 38, wherein said guide members include guide flanges extending therealong adapted to confine an implant therebetween as the implant is moved along said guide surfaces, wherein each guide member includes a single guide flange and when said guide surfaces face one another said guide flanges are opposite each other along a length of said first and second guide members.

41-48. (Cancelled)

49. (Previously presented) An apparatus, comprising:

a proximal portion including a frame, said frame including a first arm and a second arm;  
and

a distal portion including a first guide member extending distally from said first arm and a second guide member extending distally from said second arm, said first and second guide members being movable toward and away from one another by moving said first arm relative to

said second arm, wherein said frame is transversely oriented to said guide members adjacent proximal ends of said guide members, said frame being configured relative to said proximal ends of said guide members so that said guide members are unobstructed between said guide surfaces at said proximal end to define a proximal opening therebetween for receipt of an implant through said opening for positioning between said guide surfaces of said guide members, said first and second guide members each including:

opposite first and second sides extending between a proximal end and a distal end;

a guide surface extending from said proximal to said distal end between said first and second sides and being oriented toward the guide surface of the other of said first and second guide members; and

a width between said first and second sides, said width being greater than a width of an implant to be positioned along said guide surfaces.

50. (Previously presented) An apparatus, comprising:

a proximal portion including a frame, said frame including a first arm and a second arm;  
and

a distal portion including a first guide member extending distally from said first arm and a second guide member extending distally from said second arm, said first and second guide members being movable toward and away from one another in parallel relation by moving said first arm relative to said second arm, said first and second guide members each including:

opposite first and second sides extending between a proximal end and a distal end;

a guide surface extending from said proximal to said distal end between said first and second sides and being oriented toward the guide surface of the other of said first and second guide members; and

a width between said first and second sides, said width being greater than a width of an implant to be positioned along said guide surfaces, wherein each of said first and second guide members include a guide flange extending along only one of said first and



second sides, said guide flange projecting from said guide surface of the corresponding one of the first and second guide members toward the guide surface of the other of said first and second guide members.

51. (Previously Presented) The apparatus of claim 49, wherein said first arm is moveable and said second arm is stationary.

Claim 52 (Cancelled)

53. (Previously presented) The instrument of claim 50, wherein said first arm and said second arm each include a lateral extension portion, said lateral extension portions each including a hand-hole extending therethrough.

54. (Previously presented) The instrument of claim 49, wherein said first arm and said second arm each include a lateral extension portion, said lateral extension portions each including a hand-hole extending therethrough.

55. (Previously presented) The instrument of claim 38, wherein said frame includes a first arm and a second arm extending from proximal ends of respective ones of said first and second guide members, each of said first and second arms including a lateral extension portion, said lateral extension portions each including a hand-hole extending therethrough.

56. (Previously presented) The instrument of claim 27, wherein said movable arm and said stationary arm extend from said proximal end of said respective guide member, each of said movable arm and said stationary arm including a lateral extension portion, said lateral extension portions each including a hand-hole extending therethrough.

57. (Previously presented) The instrument of claim 11, wherein said frame includes a stationary arm and a movable arm, one said first and second guide members being coupled to

---

Response to Final Office Action  
Application Serial No. 10/680,358  
Atty Docket No. MSDI-245/PC819.00  
Page 10 of 17

said stationary arm and the other of said first and second guide members being coupled to said movable arm, wherein said movable arm and said stationary arm extend from said proximal end of said respective guide member coupled thereto, each of said movable arm and said stationary arm including a lateral extension portion, said lateral extension portions each including a hand-hole extending therethrough.